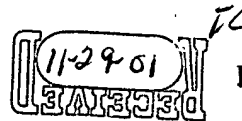


Official

Atty. Dkt. 28049/34693



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Reuben Brown
FEININGER, ET AL.)	
	:	Group Art Unit: 2611
Appln. No.: 09/207,224)	
	:	
Filed: December 8, 1998)	
	:	
For: METERING VIEWING OF VIDEO)	July 31, 2001
DISPLAYED IN WINDOWS	:	

Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Andrew Faile, SPE, GAU 2611

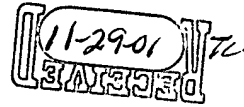
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Sir:

Pursuant to 37 C.F.R. § 1.102(d), and MPEP § 708.02 VIII, Applicants respectfully petition the Commissioner to grant special status to the above-identified application, and provide accelerated examination thereof.

(A) The Commissioner is authorized to charge the required fee to Deposit Account No. 50-1710.

(B) The pending claims are believed to be directed to a single invention. If the Examiner believes that the pending claims are directed to more than one invention, Applicants hereby agree to elect claims directed to a single invention, without traverse.



(C) A pre-examination search has been made of the subject matter of the claimed invention, in U.S. Class 348, subclass 552; U.S. Class 709, subclasses 217, 219, and 224; U.S. Class 725, subclasses 9, 10, 14, 16, 18, 19, 20, 37, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 122; and on computer using Qeustel•Orbit, ESPACENET (EPO), and the USPTO databases.

(D) One copy of each of the documents found in the pre-examination search and deemed most closely related to the subject application is included with the attached Information Disclosure Statement, and listed on the attached PTO-1449.

(E) The documents listed on the attached PTO-1449 may be pertinent to the subject application as follows:

1. U.S. Patent No. 5,819,156 may be pertinent because it discloses a PC/TV convergence device operable in a television mode, a computer mode, and a combination television/computer mode. The PC/TV convergence device includes a display, a computer and a tracking device. The display receives and displays images in all three modes. The computer executes programs and is at least operable in the computer mode and the combination television/computer mode. The tracking device, which is coupled to the display and computer, tracks, records and reports select uses of the display and the computer during each of the television mode, the computer mode and the combination television/computer mode.

However, U.S. Patent No. 5,819,156 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 5,819,156 also fails to disclose or suggest structure

and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 5,819,156 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 5,819,156 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

2. U.S. Patent No. 5,857,190 may be pertinent because it discloses an event logging system for an interactive entertainment network system that is capable of centrally logging a large number of concurrently received events generated at subscriber homes. The interactive entertainment network system has a centralized headend interconnected via a distribution network to multiple user interface units located in subscriber homes. An example user interface unit is a TV set operably connected to and controlled by a set-top box. Individual events are generated and detected at the user interface units. For example, channel up/down, button presses, service requests, warnings, and errors are possible events that might be detected at the user interface units. Each user interface unit has a processor and a log application program interface (log API) executing on the processor. The log API determines whether an event is a

loggable event, which should be recorded, or a non-loggable event which should not be recorded. The log API looks to an event filter criteria stored in a shared memory at the user interface unit to assist in deciding which events are to be recorded and which are not.

However, U.S. Patent No. 5,857,190 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 5,857,190 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 5,857,190 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 5,857,190 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

3. U.S. Patent No. 5,872,588 may be pertinent because it discloses a system for collecting information on audio-visual materials presented to a subscribers. Information is

collected by content coding of audio-visual materials provided to the subscriber by a video distribution node with audio-visual identifier information. The audio-visual identifier information is decoded by a home station where the information is collected and processed. The content coding information can then be utilized by the subscribers home station to collect information on the subscribers selection of audio-visual material (AVM) streams and record information on which AVMs have been presented to the subscriber. An audio-video material distribution system supplies AVM streams to home stations via a local distribution network. The home stations decode the content coding from the AVM streams and collect the encoded content codes. The collected content codes are then sent to collection centers for processing. The encoded information may also be utilized to provide management of an upstream channel between the home stations and the video distribution node.

However, U.S. Patent No. 5,872,588 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 5,872,588 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 5,872,588 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video

application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 5,872,588 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

4. U.S. Patent No. 5,973,750 may be pertinent because it discloses a television channel selection monitoring apparatus for monitoring reception status of a television receiver coupled to a display for the display of an image responsive to an input video signal supplied thereto. The said television receiver is capable of selecting one of a plurality of television channels broadcast through a satellite, CATV, or ground wave broadcast system and providing to the display a video signal received through the selected television channel. The input video signal has a predetermined channel number indication section for indicating on the display a channel number for each of the television channels for a predetermined duration every time channel selection is made at the television receiver. Circuitry is provided for digitizing the video signal and temporarily storing it for at least a part of each frame of the video signal. Circuitry is provided for extracting out of the digitized video signal an image section corresponding to the channel number indication section, thereby to provide a digitized image of the channel number. Circuitry is provided for identifying the channel number to which the television receiver is tuned.

However, U.S. Patent No. 5,973,750 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the

predetermined crediting rule. U.S. Patent No. 5,973,750 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 5,973,750 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 5,973,750 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

5. U.S. Patent No. 5,974,299 may be pertinent because it discloses an audience rating system for digital television and radio, using identification codes in control streams of time-multiplexed digital transmissions. When a television set or radio, that is being monitored pursuant to the system, is turned on and tuned into a channel, and each time that the channel is changed, an identification code for each audio, video or auxiliary digital stream of the channel is extracted from the control stream, and recorded along with the time. The time is also recorded when the television set or radio is turned off. This data makes it possible to determine what stations, channels, and programs members of the audience being monitored are watching or listening to at any particular time. A multiplexed digital transmission is received separately by

the television set or radio (or an attached integrated receiver and decoder) and a meter connected to it. The meter compares the elementary digital streams of the channel being received by the television set or radio with digital streams of each of the channels in the multiplexed digital transmission, until it finds a match. Alternatively, the meter does not receive the multiplexed digital transmission separately, but has access to an elementary stream extracted from the multiplexed digital transmission by an integrated receiver and decoder. In both alternatives, the meter extracts identification codes for the channels being received from the elementary stream.

However, U.S. Patent No. 5,974,299 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 5,974,299 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 5,974,299 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 5,974,299 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the

video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

6. U.S. Patent No. 6,061,082 may be pertinent because it discloses an internet TV system for taking a survey of an audience to determine a rating comprises a broadcasting station and at least two Internet TV receivers. The broadcasting station encodes a viewing channel search command into a TV broadcasting signal and broadcasts the TV broadcasting signal to the Internet TV receivers. If the TV broadcasting signal received by the Internet TV receivers includes the viewing channel search command, the Internet TV receivers decode the received TV broadcasting signal, write electronic mails including notification of currently viewed channels, and transmit the electronic mails to the broadcasting station. The broadcasting station then calculates the audience rating according to the electronic mails received from the Internet TV receivers.

However, U.S. Patent No. 6,061,082 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 6,061,082 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 6,061,082 also fails to disclose or suggest a software meter arranged to meter video displayed in a window

on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 6,061,082 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

7. U.S. Patent No. 6,157,411 may be pertinent because it discloses a method for providing an entertainment program guide including (a) receiving entertainment system data descriptive of entertainment programs encoded in a plurality of different source formats from a plurality of different sources, (b) converting the received entertainment system data from each of the plurality of different sources from each of the source formats into a unitary format, the unitary format having a source identifier and at least one trait associated with each entertainment program, (c) storing the converted entertainment system data in the unitary format in a repository, and (d) providing a query interface to the repository of entertainment system data in the unitary format for subsequent access by a user.

However, U.S. Patent No. 6,157,411 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 6,157,411 also fails to disclose or suggest structure and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the

viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 6,157,411 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 6,157,411 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

8. U.S. Patent No. 6,192,403 may be pertinent because it discloses an adaptive monitor and support system that adapts a monitoring process for monitored devices based on monitored data by downloading instructions and/or monitor/support programs to optimize the monitoring process. A monitor/support shell executes in the monitored devices such as personal computers that are intelligent and support execution. For those devices that are non-intelligent such as a telephone station or a television, intelligent monitor devices are provided to support the monitor/support shell to achieve the monitoring process.

However, U.S. Patent No. 6,192,403 fails to disclose or suggest structure and/or steps for crediting viewing with respect to a viewing window being displayed on a screen including (a) applying a predetermined crediting rule to the viewing window; and (b) crediting viewing with respect to the viewing window only if the viewing window meets the predetermined crediting rule. U.S. Patent No. 6,192,403 also fails to disclose or suggest structure

and/or steps for metering video displayed in a window on a screen of a viewing device including (a) determining whether the viewing device has a COM interface or an API interface; (b) if the viewing device has a COM interface, determining channel data from a channel related object of the COM interface; and (c) if the viewing device has an API interface, calling the API interface so as to determine channel data associated with a video application. U.S. Patent No. 6,192,403 also fails to disclose or suggest a software meter arranged to meter video displayed in a window on a screen, including (a) first program code executable to determine tuning data from a video application related to the displayed video; and (b) second program code executable to determine an ancillary identification code relating to displayed video. U.S. Patent No. 6,192,403 also fails to disclose or suggest a metering system for metering viewing of video displayed in a window on a screen, including (a) a software meter arranged to determine identifying data related to the video displayed in the window; and (b) a creditor arranged to apply a crediting rule in determining whether to credit the identifying data.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507.

Respectfully submitted,



Attorney for Applicants
Richard P. Bauer
Registration No. 31,588

Nov-29-01 12:48pm

From-KATTEN MUCHIN ZAVIS

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#6

Fax Cover Letter

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1.	Andrew Faile, SPE, GAU 2611	US PTO	703-872-9314	

Total number of pages including cover letter: 17.

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From	Richard P. Bauer	Date/Time	November 29, 2001
Phone	202-625-3507	Fax Number	
Client/Matter Number	12722-00142	Attorney Number	
Client/Matter Name	Application No. 09/207,224, filed December 8, 1998		

Message

Dear Andy:

Per my telephone call earlier today, here is a copy of the Petition to Make Special and an accompanying IDS for the above-referenced application that we filed on July 31, 2001. Also included is a copy of the date-stamped postcard that we received when the petition was originally filed. Thank you very much for your attention to this matter. Rick Bauer

For Messenger Department Use Only

Your fax has been sent. Attached is your original

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Commissioner for Patents
Washington, D.C. 20231

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Atty Docket 38019/3763

Application No 07/302,227
(12722.00001)

Sir:

Kindly acknowledge receipt of the accompanying

- ☐ Response to Official Action
- ☒ ~~Check for \$~~ Please charge my fees due to our deposit Acct.
- ☒ Petition To Amend Patent Under 37 C.F.R. § 1.102(d)
- ☐ Notice of Appeal and Check for \$
- ☒ Information Disclosure Statement, PTO-1449 and eight (8) documents
- ☐ Claim for priority and certified copies of _____ priority applications
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Atty Docket 38019/3763

Application No 07/302,227
(12722.00001)

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Kindly acknowledge receipt of the accompanying:

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